

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>Caption in Compliance with D.N.J. LBR 9004-1(b)</b> <b>Robertson, Anschutz, Schneid, Crane &amp; Partners, PLLC</b> 130 Clinton Road, Suite 202, Lobby B Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor  Aleisha C. Jennings, Esq. (049302015)	CASE NO.: 23-14292-MBK  CHAPTER 13  <b>Objection to Confirmation of Debtor's Chapter 13 Plan</b>
<b>In Re:</b>  <b>Salvatore L Salzarulo</b>  <b>Debtor.</b>	

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, AS TRUSTEE, AS SUCCESSOR-IN-INTEREST TO U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR MASTR ASSET SECURITIZATION TRUST 2003-11 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2003-11 ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 16), and states as follows:

1. Debtor, Salvatore L Salzarulo, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on May 19, 2023.
2. Secured Creditor holds a security interest in the Debtor's real property located at 78 Vail Ln, Watchung, NJ 07069, by virtue of a Mortgage recorded on March 11, 2003 at Instrument number 2003029214 of the Public Records of Somerset County, NJ. Said Mortgage secures a Note in the amount of \$525,000.00.
3. The Debtor filed a Chapter 13 Plan on June 14, 2023.

4. The Plan proposes to cure the pre-petition arrears via a loan modification. Thus far, a loan modification has not been offered or approved by Secured Creditor. Furthermore, Debtor has failed to provide alternative treatment of Secured Creditor's Claim in the event loss mitigation is unsuccessful. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that any loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).
5. Additionally, the Plan fails to state the arrears owed to Secured Creditor. Secured Creditor's anticipated Proof of Claim will show the pre-petition arrears due Secured Creditor is \$29,980.20. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any proposed Plan that fails to provide for the total amount of pre-petition arrears due and owing to Secured Creditor.
6. Based on Debtor's Schedules, the Plan does not appear feasible due to the representation that sufficient disposable income is not available to support the proposed Plan payments in the event loss mitigation is unsuccessful. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(6) and cannot be confirmed.

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Robertson, Anschutz, Schneid, Crane & Partners,  
PLLC  
Attorney for Secured Creditor  
130 Clinton Road, Suite 202, Lobby B  
Fairfield, NJ 07004  
Telephone Number 973-575-0707

By: /s/Aleisha C. Jennings  
Aleisha C. Jennings, Esquire  
NJ Bar Number 049302015  
Email: ajennings@raslg.com

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>Caption in Compliance with D.N.J. LBR 9004-1(b)</b> <b>Robertson, Anschutz, Schneid, Crane &amp; Partners, PLLC</b> 130 Clinton Road, Suite 202, Lobby B Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor  Aleisha C. Jennings, Esq. (049302015)	CASE NO.: 23-14292-MBK  CHAPTER 13  <b>Objection to Confirmation of Debtor's Chapter 13 Plan</b>
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**CERTIFICATION OF SERVICE**

1. I, Megan Day, ■ am a paralegal for Robertson, Anschutz, Schneid, Crane & Partners, PLLC, which represents U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, AS TRUSTEE, AS SUCCESSOR-IN-INTEREST TO U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR MASTR ASSET SECURITIZATION TRUST 2003-11 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2003-11 in the above-captioned matter.
2. On July 5, 2023, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below:  
  
**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

7/5/2023

Robertson, Anschutz, Schneid, Crane & Partners,  
PLLC

Paralegal for Secured Creditor

130 Clinton Road, Suite 202, Lobby B

Fairfield, NJ 07004

Telephone: 973-575-0707

Fax: 973-404-8886

By: /s/ Megan Day

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Robert C. Nisenson Robert C. Nisenson, LLC 10 Auer Court Suite E East Brunswick, NJ 08816	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Salvatore L Salzarulo 78 Vail Lane Watchung, NJ 07069	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Chapter 13 Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)